

## FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

(1) ARTHUR L. MOSLEY <sup>20170000634</sup>  
 (Name of Plaintiff) (Inmate Number)

4750 MANOR DR STRANESBURG PA 18360  
 (Address)

(2) \_\_\_\_\_  
 (Name of Plaintiff) (Inmate Number)

\_\_\_\_\_  
 (Address)

(Each named party must be numbered,  
and all names must be printed or typed)

vs.

CIVIL COMPLAINT

(1) GARY HANDLE (WARDEN)

(2) TRINITY FOOD GROUP

(3) MR LAWTON (POSSIBLE DIRECTOR)  
 (Names of Defendants)

(Each named party must be numbered,  
and all names must be printed or typed)

FILED  
SCRANTON

FEB 06 2018

PER [Signature]  
DEPUTY CLERK

TO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS

☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

## I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**II. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No
- C. If your answer to "B" is Yes:
1. What steps did you take? STARTED ADMINISTRATIVE REMEDY PROCESS, FILED INMATE GRIEVANCE AND APPEARED TO FINAL STEP
  2. What was the result? NO ACTION WAS TAKEN TO REMEDY COMPLAINT CONDITIONS STILL EXIST PLEASE SEE ATTACHMENT
- D. If your answer to "B" is No, explain why not: \_\_\_\_\_

**III. DEFENDANTS**

- (1) Name of first defendant: GARY HAIDLE  
 Employed as WARDEN at MONROE COUNTY CORRECTIONAL FACILITY  
 Mailing address: 4250 MAIN DR STRAUSSBURG PA 18360
- (2) Name of second defendant: TRIMITY FOOD GROUP  
 Employed as FOOD SERVICE PROVIDER at 4250 MAIN DR STRAUSSBURG PA  
 Mailing address: M.C.C.F. STRAUSSBURG PA 18360
- (3) Name of third defendant: MR LAWTON  
 Employed as FOOD SERVICE DIRECTOR at M.C.C.F.  
 Mailing address: 4250 MAIN DR STRAUSSBURG PA 18360

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

**IV. STATEMENT OF CLAIM**

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. ON JULY 3, 2017 THE PLAINTIFF BECAME AN INMATE AT THE MONROE COUNTY CORRECTIONAL FACILITY HERE IN STRAUSSBURG PA, SENTENCED TO 9 to 24 MONTHS.

2. THE PLAINTIFF IS OF JEWISH FAITH AND EAT ONLY KOSHER MEALS, SINCE THE PLAINTIFF INCARCERATION STATED THE PLAINTIFF HAS BEEN SERVED THE EXACT SAME MEALS EVERY DAY. ~~DEAR~~ BUTTER + JELLY BREAKFAST + LUNCH W/RAW VEG AND COTTAGE CHEESE EVERY DAY FOR DINNER W/RAW VEG.
3. IN OVER 7 MONTHS THE PLAINTIFF HAS NOT HAD A HOT OR COOKED MEAL JUST COLD UNCOOKED FOOD!

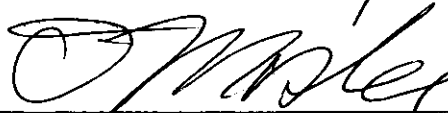
#### V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. AN INJUNCTION ORDERING THE FACILITY TO SERVE ATLEAST ONE HOT COOKED MEAL A DAY FOR THE KOSHER MEAL.
2. GRANT THE PLAINTIFF MONEY DAMAGES  
NOMINAL DAMAGES IN THE AMOUNT \$1.00  
COMPENSATORY DAMAGES IN THE AMOUNT \$20,000.00  
PUNITIVE DAMAGES IN THE AMOUNT \$20,000.00

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 1<sup>ST</sup> day of FEBRUARY, 2018.

A handwritten signature in black ink, appearing to read "O. M. Moley", written over a horizontal line.

(Signature of Plaintiff)

# Monroe County Correctional Facility

## Inmate Grievance Form

Inmate's Name: Arthur Mosley OCA# 2017-0000634  
 Date Grievance requested 7-17-17 Date Grievance given to inmate 7-13-17  
 Grievance Tracking Number 2017-G-0058  
 Completed grievance received by Grievance Coordinator on \_\_\_\_\_

### Inmate Filing Grievance:

Complete Parts I and II of this form using clear, specific and brief statements. Attach any request slips which will verify your attempt to resolve this issue with correctional staff and/or supervisors.

**Part I:** State your grievance clearly. If you need more space attach a separate sheet of paper.

I AM ON A KOSHER DIET FOR RELIGIOUS REASON SINCE 7-1-17 I HAVE  
BEEN GIVEN PASTA BREAD EVERYDAY FOR LUNCH AND COTTAGE CHEESE EVERYDAY  
FOR DINNER THE DIET IS VERY HARD ON PROTEIN WHICH IS NOT GOOD TO AVOID  
PROTEIN CAN CAUSE MEDICAL ISSUES ALSO NONE OF THE MEALS ARE HOT OR WARM  
COLD FOOD STAYS AWHILE CAN BE UNFAIR AND EVEN CRUEL I HAVE A SENTENCE  
Part II: Action or relief requested. OF 9 MONTHS AM I TO UNDERSTAND THIS IS WHAT MY MEALS WILL

I REQUEST THAT THE KOSHER MENU BE LOOKED INTO I DONT EXPECT  
ANYTHING SPECIAL JUST REASONABLE A VARIETY JUST  
LIKE THE REGULAR MEALS AND A HOT TRAY AT TIMES

**Certification:** I submit this grievance in good faith, having exhausted all other remedies and without the intent to harass. I affirm that all statements I have given are true and correct. I understand that I have guarantee against reprisal but also understand that I may face disciplinary action if I have filed this grievance under false pretenses or intentionally made false statements.

Arthur Mosley  
 Inmate's Signature

ARTHUR MOSLEY  
 Inmate Print Name

### Grievance Response -- Step 1

Answered by Mr. Lawton PSD Date: 7/20/17  
THE KOSHER DIET IS SET BY THE DIETITIAN SO I AM NOT  
ALLOWED TO CHANGE IT, BUT WILL TRY AND GET A BETTER SELECTION  
OF VEGETABLES AND FIND A DIFFERENT KOSHER PROTEIN FOR A CHANGE  
ON THE DINNER TRAYS TO SWITCH OUT COTTAGE CHEESE ONCE  
IN A WHILE

I RESPECT THE ABOVE RESPONSE IN PART BUT THE ISSUE OF HOT MEALS  
HAS NOT BEEN ADDRESSED. THERE ARE KOSHER MEALS THAT ARE HEATED THAT  
ARE USED IN COMMERCIAL INSTITUTIONS THAT DONT REQUIRE COOKING.  
 I, Inmate ARTHUR MOSLEY do not agree with the response in Step 1  
 and would like this grievance to be sent to the final grievance step.

I understand the Final Step, answered by the Warden/designee is the final step in the grievance process and shall be considered final.

Arthur Mosley  
 Inmate Signature

ARTHUR MOSLEY  
 Print name and date

### Grievance Response -- Final Step

Answered by Warden Wardia Daidle Date: 7/24/17  
THIS IS THE KOSHER DIET APPROVED BY THE DIETITIAN  
I WILL LOOK INTO OTHER OPTIONS IF POSSIBLE

**FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS  
COMPLAINT UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331**

**COVER SHEET**

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

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The cost for filing a civil rights complaint is \$350.00.

If you do not have sufficient funds to pay the full filing fee of \$350.00 you need permission to proceed in forma pauperis. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

**CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.**

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1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$350.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you DO NOT have to complete the rest of the forms in this packet. Check here if you are submitting the filing fee with the complaint form. \_\_\_\_

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees. \_\_\_\_

**Please Note:** If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

**DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS**

ARTHUR L MOSLEY 20170000634  
MONROE COUNTY CORRECTIONAL FACILITY  
4050 MANOR DR STRANDBURY PA 18360



RECEIVED  
SCRANTON

FEB 06 2018

PER

*[Signature]*  
DEPUTY CLERK

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA  
235 NORTH WASHINGTON AVE  
P.O. BOX 448  
SCRANTON, PA 18501-0448

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